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Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: Reply Comments in Response to Comments Filed by Other Parties in Response to the Commission's Notice of Proposed Rulemaking, *In the Matter of the 4.9 GHz Band Transferred from Federal Government Use*, in WT Docket No. 00-32 /

Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.415 of the Commission's rules, 47 C.F.R. § 1.415 (1999), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Reply Comments in the above-referenced proceeding.

Kindly date-stamp the additional, marked copy of this cover letter and return it in the envelope provided.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Handwritten signature of Paul H. Wieck II.

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Handwritten signature of Steven Proctor.

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

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Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of

The 4.9 GHz Band Transferred from
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WT Docket No. 00-32

PUBLIC SAFETY WIRELESS NETWORK PROGRAM'S
REPLY COMMENTS IN RESPONSE TO COMMENTS FILED TO NOTICE OF
PROPOSED RULEMAKING

1. The Public Safety Wireless Network (PSWN) Program¹ respectfully submits the following Reply Comments in response to comments filed by other parties regarding the Commission's Notice of Proposed Rulemaking, *In the Matter of the 4.9 GHz Band Transferred from Federal Government Use* (4.9 GHz NPRM).² In the 4.9 GHz NPRM, the Commission proposes to allocate and establish licensing and service rules for the 4940-4990 MHz band (4.9 GHz band) that has been transferred from the Federal Government for private use.

¹ The PSWN Program is a federally-funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10-year National Partnership for Reinventing Government (NPRG) initiative. The NPRG, previously known as the National Performance Review, is an effort to reengineer how government provides services to citizens through more effective use of information technology and through more concerted partnership efforts among government at all levels.

² The 4.9 GHz Band Transferred from Federal Government Use, WT Docket No. 00-32, *Notice of Proposed Rulemaking*, FCC 00-63 (rel. Feb. 29, 2000) (4.9 GHz NPRM).

I. BACKGROUND

2. As an entity dedicated to fostering nationwide communications interoperability at all levels of government, the PSWN Program is greatly concerned that spectrum at appropriate frequencies and in sufficient amounts is made available for public safety use. Recognizing the importance of the ongoing commercial auction process, the PSWN Program will continue to take an active role in urging the Commission to consider the implications of this process on Public Safety's future ability to protect life and property. Pursuant to this objective, the PSWN Program wishes to express its agreement with commenters to the NPRM who have addressed issues of importance to the public safety community.

3. Specifically, the PSWN Program concurs with those parties which have challenged the Commission's assertion that setting aside spectrum in the 4.9 GHz band for public safety use is unnecessary since the pending reallocation of 24 MHz of spectrum in the 764–776 MHz and 794–806 MHz bands (the 700 MHz band) has effectively satisfied the recommendations of the Public Safety Wireless Advisory Committee (PSWAC). Secondly, the PSWN Program expresses agreement with those parties who believe that the 4.9 GHz band is suitable for public safety use or otherwise best utilized other than for the type of commercial services anticipated under the current auction scheme. Finally, the PSWN Program concurs with commenters who suggest that the 4.9 GHz band should be allocated for public safety use, free of charge, if the band does not draw significant commercial interest (i.e. low bids or an absence of bidders).

II. CURRENT PUBLIC SAFETY SPECTRUM ALLOCATIONS DO NOT SATISFY THE PSWAC RECOMMENDATIONS

4. The PSWN Program supports those commenters who have taken issue with the Commission's tentative conclusion that the public safety community has already received all of the spectrum it requires pursuant to the 1996 PSWAC Report. The Association of Public-Safety Communications Officials–International, Inc. (APCO) advised the Commission that the PSWAC had determined that 97.5 MHz of additional spectrum would be necessary to support public safety communications by 2010, and that a shortfall of over 70 MHz remained subsequent to the

BBA 97 allocations.³ The Federal Law Enforcement Wireless Users' Group (FLEWUG) also noted that, contrary to the NPRM's suggestion, the 24 MHz of spectrum allocated to public safety under the Balanced Budget Act of 1997 (BBA 97) did not satisfy the requirements identified by the PSWAC Report, which concluded that 97.5 MHz of additional public safety spectrum would be required, and that 73.5 MHz thereby remained outstanding subsequent to the BBA 97 reallocations.⁴ Motorola, Inc. (Motorola) also contends that the currently allocated spectrum falls short of the PSWAC recommendations.⁵ The PSWN Program likewise has concluded that over 70 MHz of additional spectrum is needed for public safety applications.

5. APCO and the FLEWUG both contend that this 73.5 MHz of additional spectrum will be required to support numerous new technologies for public safety, to include wideband data and video applications.⁶ Motorola also cites examples of emerging technologies (e.g. full scan color video, fingerprint and identification information, complex images) which will drive the demand for public safety spectrum in the coming years.⁷ The PSWN Program concurs with APCO, the FLEWUG, and Motorola in this respect.

6. Lastly, both APCO and the FLEWUG have reminded the Commission that in some regions the 24 MHz of spectrum in the 700 MHz band may be held by incumbent users for an indefinite period, and may never be available to public safety in areas where it is desperately needed.⁸ The PSWN Program again concurs with their observations.

III. THE 4.9 GHz SPECTRUM IS VIABLE FOR PUBLIC SAFETY USE

7. The PSWN Program endorses the determination of APCO and the FLEWUG that the 4.9 GHz band would be viable for use by the public safety community.⁹ APCO believes that the 4.9

³ APCO Comments at pp. 3–4.

⁴ FLEWUG Comments at ¶ 5.

⁵ Motorola Comments at pp. 5–6. Motorola specifies 95.3 MHz as the original PSWAC requirement, which differs from the 97.5 MHz (73.5 MHz subsequent to the BBA 97 reallocation) identified in the PSWAC report and cited by APCO and the FLEWUG above, as well as by other public safety entities in numerous filings and reports, but nonetheless indicates a shortfall of more than 70 MHz.

⁶ APCO comments at pp. 6–7. *See Also* FLEWUG Comments at ¶¶ 5–10.

⁷ Motorola Comments at p. 6.

⁸ APCO Comments at pp. 7–8. *See also* FLEWUG Comments at Fn. 4.

⁹ APCO Comments at pp. 7–8. *See, generally*, FLEWUG Comments at ¶¶ 5–11.

GHz band is better suited than the 700 MHz band for high speed, broadband transmissions.¹⁰

This is compatible with the FLEWUG's assertion that this band could be used to accommodate wideband, high-speed data applications.¹¹

IV. THE 4.9 GHz BAND SHOULD BE RESERVED FOR PUBLIC SAFETY USAGE IN THE EVENT THAT COMMERCIAL AUCTIONS WOULD NOT PROVIDE SIGNIFICANT REVENUE

8. The PSWN Program wishes to highlight the filings from parties who have questioned the economic benefit to be derived from the 4.9 GHz band. Motorola has predicted that there will be limited commercial viability for the 4.9 GHz band given the potential worldwide markets for unlicensed commercial WLAN/PAN operations on adjacent bands (e.g. HIPERLAN, Bluetooth, and MMAC).¹² The Rural Telecommunications Group (RTG) notes that the cost of serving rural areas on the 4.9 GHz band may be unattractive if not prohibitive for commercial wireless entities.¹³

9. The PSWN Program has not studied the commercial viability of the 4.9 GHz band specifically, but concurs with the FLEWUG's suggestion that, if the 4.9 GHz band commercial auctions do not draw enough participation to ensure significant revenue, then all or part of this spectrum should be allocated to the public safety community at no charge.

V. CONCLUSION

10. The PSWN Program requests that the Commission carefully consider the positions of those commenters that have urged the Commission to re-examine its preliminary conclusions regarding the sufficiency of the BBA 97 spectrum allocations to fulfil the needs of the public safety community. The PSWN Program also supports those commenters who have concluded that the 4.9 GHz band is suitable for public safety applications, and who have specifically identified such applications. Lastly, the PSWN Program joins the FLEWUG in asking the

¹⁰ APCO Comments at p. 7.

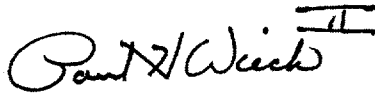
¹¹ FLEWUG Comments at ¶ 9.

¹² Motorola comments at pp. 2-3.

¹³ RTG Comments at p. 4.

Commission to consider allocation of the 4.9 GHz band to fulfill critical public safety functions if the auctioning process yields insufficient interest or revenue from commercial bidders.

Respectfully submitted,



Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group



Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

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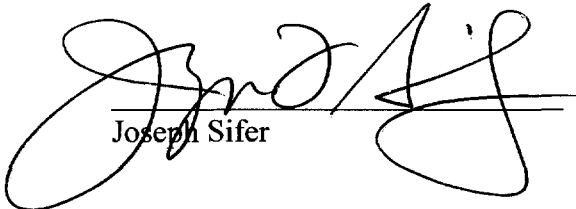
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WT Docket No. 00-32

CERTIFICATE OF SERVICE

I, Joseph Sifer, Senior Associate, Booz·Allen & Hamilton, Inc., 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network's Reply Comments in response to comments filed by other parties regarding the Commission's Notice of Proposed Rulemaking, *In the Matter of the 4.9 GHz Band Transferred from Federal Government Use* (4.9 GHz NPRM), the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 17th day of May 2000.



Joseph Sifer

SERVICE LIST

*The Honorable William E. Kennard, Chairman
Federal Communications Commission
445 12th St., SW, Rm. 8-B201
Washington, DC 20054

*The Honorable Harold Furchgott-Roth, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-A302
Washington, DC 20054

*The Honorable Susan Ness, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-B115
Washington, DC 20054

*The Honorable Michael Powell, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-A204
Washington, DC 20054

*The Honorable Gloria Tristani, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8-C302
Washington, DC 20054

*Ari Fitzgerald, Legal Advisor
Office of Chairman Kennard
Federal Communications Commission
445 12th St., SW, Rm. 8-B201
Washington, DC 20054

*Paul E. Misener, Senior Legal Advisor
Office of Commissioner Furchgott-Roth
Federal Communications Commission
445 12th St., SW, Rm. 8-A302
Washington, DC 20054

*Daniel Connors, Legal Advisor
Office of Commissioner Ness
Federal Communications Commission
445 12th St., SW, Rm. 8-B115
Washington, DC 20054

*Peter A. Tenhula
Office of Commissioner Powell
Federal Communications Commission
445 12th St., SW, Rm. 8-A204
Washington, DC 20054

*Karen L. Gulick
Office of Commissioner Tristani
Federal Communications Commission
445 12th St., SW, Rm. 8-C302
Washington, DC 20054

*Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3-C252
Washington, DC 20054

*Kathleen O'Brien-Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3-C207
Washington, DC 20054

*James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3-C207
Washington, DC 20054

*D'Wana R. Terry, Chief
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20054

*Ramona Melson, Chief Legal Counsel
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20054

*Herb Zeiler
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20054

*Katherine Hosford
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20054

*Kris Monteith, Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C120
Washington, DC 20054

*Nancy, Boocker, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C120
Washington, DC 20054

*Stan Wiggins
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C120
Washington, DC 20054

*Ed Jacobs
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C120
Washington, DC 20054

*Steve Weingarten, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C207
Washington, DC 20054

*Jeff Steinberg, Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C207
Washington, DC 20054

Jeanne Kowalski, Deputy Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
445 12th St., SW, Rm. 4-C324
Washington, DC 20054

International Transcription Services, Inc.
1231 20th St., NW
Washington, DC 20037

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